

**FILED**

**AUG 03 2023**

Clerk, U.S. District Court  
District Of Montana  
Great Falls

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**ATTORNEY FOR PLAINTIFF  
UNITED STATES OF AMERICA**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
HELENA DIVISION**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**JUSTIN ARTHUR BERGER,**

**Defendant.**

**CR 23-15 -H-BMM**

**INDICTMENT**

**POSSESSION OF AN UNREGISTERED  
MACHINE GUN**

Title 26 U.S.C. § 5861(d) (Count 1)  
(Penalty: Ten years of imprisonment, a  
\$250,000 fine, and three years of supervised  
release)

**POSSESSION OF AN UNREGISTERED  
SHORT-BARRELED RIFLE**

Title 26 U.S.C. § 5861(d) (Count 2)  
(Penalty: Ten years of imprisonment, a  
\$250,000 fine, and three years of supervised  
release)

**POSSESSION OF UNREGISTERED  
SILENCERS**

Title 26 U.S.C. § 5861(d) (Count 3)  
(Penalty: Ten years of imprisonment, a  
\$250,000 fine, and three years of supervised  
release)

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<b>CRIMINAL FORFEITURE</b> <b>Title 26 U.S.C. § 5872(a)</b>
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**THE GRAND JURY CHARGES:**

**COUNT 1**

That on or about December 15, 2022, at or near Helena, in Lewis and Clark County, in the State and District of Montana, and elsewhere, the defendant, JUSTIN ARTHUR BERGER, knowingly possessed a firearm, which was a machine gun as defined by 26 U.S.C. § 5845(a)(6) and 26 U.S.C. § 5845(b), that was not registered in the National Firearms Registration and Transfer Record, all in violation of 26 U.S.C. § 5861(d).

**COUNT 2**

That on or about December 15, 2022, at or near Helena, in Lewis and Clark County, in the State and District of Montana, and elsewhere, the defendant, JUSTIN ARTHUR BERGER, knowingly possessed a firearm, which was a short-barreled rifle as defined by 26 U.S.C. § 5845(a)(3) and 26 U.S.C. § 5845(c), that was not registered in the National Firearms Registration and Transfer Record, all in violation of 26 U.S.C. § 5861(d).

**COUNT 3**

That on or about December 15, 2022, at or near Helena, in Lewis and Clark County, in the State and District of Montana, and elsewhere, the defendant,

JUSTIN ARTHUR BERGER, knowingly possessed firearms, which were silencers as defined by 26 U.S.C. § 5845(a)(7) and 18 U.S.C. § 921(a)(25), that were not registered in the National Firearms Registration and Transfer Record, all in violation of 26 U.S.C. § 5861(d).

#### FORFEITURE ALLEGATION

Upon conviction of any offense set forth in this indictment, the defendant, JUSTIN ARTHUR BERGER, shall forfeit, pursuant to 26 U.S.C. § 5872(a), any and all real or personal property, including the firearms, machine guns, short-barreled rifles, and silencers used and intended to be used in any manner and part, to commit, and facilitate the commission of said offense.

A TRUE BILL.

Foreperson signature redacted. Original document filed under seal.

FOREPERSON

  
JESSE A. LASLOVICH  
United States Attorney

  
CYNDEE L. PETERSON  
Criminal Chief Assistant U.S. Attorney